

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MOORELAND ESTATES HOMEOWNERS')
ASSOCIATION,)
PLAINTIFF,) CIVIL ACTION NO. _____
VS.) JURY DEMAND
NATIONWIDE MUTUAL INSURANCE)
COMPANY, A/K/A NATIONWIDE)
INSURANCE,)
DEFENDANT.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Nationwide Mutual Insurance Company ("Nationwide") hereby removes the above-styled action from the Chancery Court of Williamson County, Tennessee to the United States District Court for the Middle District of Tennessee. In support of removal, Nationwide states the following:

I. STATE COURT ACTION

1. On or about August 16, 2012, a civil action was commenced and is pending in the Chancery Court for Williamson County, Tennessee, styled *Mooreland Estates Homeowners' Association v. Nationwide Mutual Insurance Company, a/k/a Nationwide Insurance*, Docket No. 41284.

2. Nationwide has not filed a responsive pleading to the Complaint in Chancery Court. Nationwide will file a responsive pleading with its Notice of Removal in Federal Court.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders filed in the Williamson County Chancery Court, as of the date of the filing of this Notice of Removal, are attached hereto as **Ex. A.**

II. GROUNDS FOR REMOVAL

4. Nationwide was served on or about August 22, 2012. (*See* Return of Service, Ex. A.) Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal is filed within 30 days of service.

5. Venue is proper in the Middle District of Tennessee because any civil action for which a district court has original jurisdiction may be removed by the defendant to the district court for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a).

6. As set out below, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) which provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.” 28 U.S.C. § 1332(a)(1).

A. Diversity of Citizenship.

7. Complete diversity of citizenship exists in this matter. Plaintiff alleges that it is a Tennessee Non-Profit Corporation authorized to conduct business in the State of Tennessee. (Compl. ¶ 1.) Nationwide is an Ohio corporation with its principal place of business in Ohio. Therefore, complete diversity of citizenship exists between the parties in this action.

B. Amount in controversy.

8. The amount in controversy in this matter exceeds \$75,000 as required by 28 U.S.C. § 1332. Plaintiff's Complaint seeks "a judgment in such an amount as the jury finds will reasonably compensate Plaintiffs [sic] for their damages legally caused by Nationwide and for pre-judgment interest, trial expenses, and the costs of this cause." (Complaint, pg. 6.) Plaintiff has recently informed Nationwide that it believes Nationwide owes Plaintiff an amount in excess of \$75,000. (*See* Parker Declaration ¶ 2, attached as **Ex. B.**) Nationwide has already paid in excess of \$400,000 on this claim. As shown above, the amount in controversy requirement for 42 U.S.C. § 1332(a)(1) is met.

VI. NOTICE

10. Nationwide has served Plaintiff's counsel of record with written notice of this removal in accordance with 28 U.S.C. § 1446(d).

11. Nationwide is filing a Notice of Filing Notice of Removal with the Chancery Court for Williamson County, Tennessee on September 20, 2012, in accordance with 28 U.S.C. § 1446(d). A copy of the Notice of Filing Notice of Removal is attached hereto as **Ex. C.**

WHEREFORE, Defendant Nationwide respectfully requests that this Court assume jurisdiction over the cause herein as provided by law.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

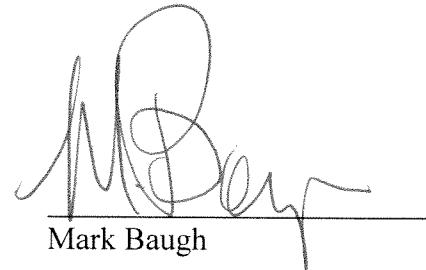
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Attorneys for Nationwide

CERTIFICATE OF SERVICE

It is hereby certified that on the 21st Day of September, 2012, a copy of the foregoing Notice of Removal was served by U.S. Mail and via facsimile on the following counsel for parties with sufficient postage thereon to carry the same to its destination:

T. Chad White
Tune, Entrekkin, & White, P.C.
Regions Center, Suite 1700
315 Deaderick Street
Nashville, Tennessee 37238
Ph: (615) 244-2770



Mark Baugh

A handwritten signature in black ink, appearing to read "Mark Baugh", is written over a horizontal line. The signature is fluid and cursive.